

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
MONDAY DECEMBER 11, 2002
AT 7:00 P.M.

Agenda No. 6. Resolution Adopted for the Street Lighting; Terraces at Cobblestone Condominiums.

MOTION by DUNN seconded by MALBURG to approve the Street Lighting; Terraces at Cobblestone Condominiums. (Forwarded from the Township Board Meeting of 11-13-02). This motion is contingent upon the required contribution being submitted to the Township for the request.

**TOWNSHIP OF MACOMB
AND
TERRACES OF COBBLESTONE CONDOMINIUMS
AGREEMENT FOR ENTRANCEWAY STREET LIGHTING**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall is said Township on December 11, 2002, at 7:00 P.M., Eastern Standard Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Charles Oliver, Janet Dunn, Kenneth Meerschaert, Jr.

ABSENT: None.

The following preamble and resolution were offered by Trustee DUNN and supported by Trustee MALBURG.

WHEREAS, the Terraces of Cobblestone Condominiums, desires to provide entranceway street lighting for the benefit of its co-owners; and

WHEREAS, the Terraces of Cobblestone Condominiums are administered by an association of co-owners; and

WHEREAS, the Detroit Edison Company will not contract with the Terraces of Cobblestone Condominiums Association to provide entranceway street lighting; and

WHEREAS, the Detroit Edison Company's policy to contract with the municipality for street lighting installed by the Detroit Edison Company in the municipality; and

WHEREAS, the Terraces of Cobblestone Condominium Association has requested that Macomb Township enter into a contract with Detroit Edison to provide entranceway street lighting at the Terraces of Cobblestone Condominiums; and

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WHEREAS, the Township Board of Trustees has approved a contract with Detroit Edison for the benefit of the Terraces of Cobblestone Condominiums upon certain terms and conditions set forth herein; and

WHEREAS, in order to provide entranceway street lighting and reimburse Macomb Township for the costs the Township incur as a result of contracting with the Detroit Edison Company to provide entranceway street lighting on behalf of the Terraces of Cobblestone Condominiums, the Terraces of Cobblestone Association agrees to enter into this agreement; and

WHEREAS, the Terraces of Cobblestone Condominium Association will reimburse Macomb Township its costs incurred to Detroit Edison for the construction costs, including labor, materials, overhead, and annual lamp charges that benefit the Terraces of Cobblestone Condominiums; and

WHEREAS, the Terraces of Cobblestone Condominium Association represents and warrants that the association has the power and authority to contract with Macomb Township for the purpose of reimbursing Macomb Township costs incurred by the Township to the Detroit Edison Company on behalf of the Terraces of Cobblestone Condominiums; and

WHEREAS, the Terraces of Cobblestone Condominium Association has requested the Detroit Edison Company to furnish, install, operate and maintain entranceway street lighting facilities as set forth in the Detroit Edison Company proposal No. 431616-21/23 dated July 23, 2002, which is made a part of this agreement;

NOW THEREFORE,

- 1. Macomb Township shall execute an Agreement for Municipal Street Lighting with the Detroit Edison Company for the benefit of the Terraces of Cobblestone Condominiums, the purpose of which will be to furnish, install, operate and maintain entranceway street lighting equipment and facilities in accordance with proposal No. 431616-21/23 dated July 23, 2002, attachment A.**
- 2. All costs associated with providing entranceway street lighting to the Terraces of Cobblestone Condominiums and which costs are paid by Macomb Township directly to the Detroit Edison Company, shall be reimbursed by the Terraces of Cobblestone Condominiums, upon demand by Macomb Township.**
- 3. The Terraces of Cobblestone Condominiums understands that the costs to operate and maintain entranceway street lighting facilities set forth in proposal No. 431616-21/23 may increase from year to year.**
- 4. The Terraces of Cobblestone Condominium Association on behalf of the Terraces of Cobblestone Condominiums agrees to reimburse Macomb Township**

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any increase over the initial contract which may be incurred by Macomb Township to the Detroit Edison Company to provide entranceway street lighting to the Terraces of Cobblestone Condominiums.

5. The Terraces of Cobblestone Condominium Association represents and warrants that the Association is vested with authority to enter into this agreement and covenants on behalf of its co-owners to reimburse Macomb Township for any and all payments made by the Township to Detroit Edison Company on behalf of Terraces of Cobblestone Condominiums.

6. In the event that the Terraces of Cobblestone Condominiums fail and/or refuse for a period of ten (10) days after demand for payment to reimburse Macomb Township for monies paid on behalf of the Terraces of Cobblestone Condominiums to Detroit Edison, then Macomb Township may request Detroit Edison to remove the street lights and lighting facilities and any costs that are incurred as a result of said removal shall be the responsibility of the Terraces of Cobblestone Condominiums.

7. Macomb Township may avail itself of all legal and equitable remedies to collect any amounts which Macomb Township pays to the Detroit Edison Company on behalf of the Terraces of Cobblestone Condominiums and which amounts have not been reimbursed to Macomb Township, together with all costs incurred by Macomb Township to recover such sums including actual attorney fees.

8. The Terraces of Cobblestone Condominiums Association on behalf of itself and each of the co-owners of the Terraces of Cobblestone Condominiums, agree to hold harmless, indemnify and defend Macomb Township, its trustees, agents and employees from any and all claims, losses, actions, suits, judgments, attorney fees, costs, liabilities and expenses whatsoever which may hereafter be asserted by any person or other entity against Macomb Township for any acts, transactions, or occurrences arising out of the installation and/or operation of street lighting as provided for in this agreement.

TOWNSHIP OF MACOMB

TERRACES OF COBBLESTONE
CONDOMINIUMS

By: _____
Michael D. Koebs, Clerk

By: _____
, Its President

By: _____
John D. Brennan, Supervisor

By: _____
, Its Vice-President

Dated: _____

Dated: _____

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WITNESSED:

WITNESSED:

**FOR THIS MOTION: DUNN, MALBURG, OLIVER, BUCCI, MEERSCHAERT,
KOEHS, BRENNAN.**

OPPOSED: NONE.

ABSENT: NONE.

RESOLUTION DECLARED ADOPTED.

MOTION carried.

Agenda No. 7. Resolution Adopted for the Street Lighting; Castle Mar Subdivision.

MOTION by OLIVER seconded by KOEHS to approve the Street Lighting; Castle Mar Subdivision. (Forwarded from the Township Board Meeting of 11-13-02). This motion is contingent upon that the required contribution is submitted to the Township for the request.

SAD, Street Lighting Castle Mar Subdivision

**RESOLUTION ORDERING ESTABLISHMENT
OF STREET LIGHTING DISTRICT**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on December 11, 2002, at 7:00 P.M., Eastern Standard Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Charles Oliver, Janet Dunn, Kenneth Meerschaert, Jr., Dino F. Bucci, Jr.

ABSENT: None.

The following preamble and resolution were offered by Member OLIVER and supported by Member KOEHS.

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WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. It is hereby directed that a street light or lights shall be installed at Castle Mar Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

3. The initial installation shall equal the sum of \$32,231.24, together with the first annual electrical service charge in the amount of \$9,643.62, the Township's at-large contribution is \$3,300.38.

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: OLIVER, KOEHS, DUNN, BUCCI, MEERSCHAERT, MALBURG, BRENNAN.

NAYS: NONE.

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RESOLUTION DECLARED ADOPTED.

MOTION carried.

Agenda No. 8. Resolution Adopted for the Street Lighting; Wolverine Trace Subdivision.

MOTION by KOEHS seconded by DUNN to approve the Street Lighting; Wolverine Trace Subdivision; (Forwarded from the Township Board Meeting of 11-13-02). This motion is contingent upon the required contribution being submitted to the Township for the request.

SAD, Street Lighting Wolverine Trace Subdivision

**RESOLUTION ORDERING ESTABLISHMENT
OF STREET LIGHTING DISTRICT**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on December 11, 2002, at 7:00 P.M., Eastern Standard Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Charles Oliver, Janet Dunn, Kenneth Meerschaert, Jr., Dino F. Bucci, Jr.

ABSENT: None.

The following preamble and resolution were offered by Member KOEHS and supported by Member DUNN.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

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WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. It is hereby directed that a street light or lights shall be installed at Wolverine Trace Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

3. The initial installation shall equal the sum of \$29,701.06, together with the first annual electrical service charge in the amount of \$9,348.48, the Township's at-large contribution is \$1,655.62.

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: KOEHS, DUNN, OLIVER, BUCCI, MEERSCHAERT, MALBURG, BRENNAN.

NAYS: NONE.

RESOLUTION DECLARED ADOPTED.

**MICHAEL D. KOEHS
MACOMB TOWNSHIP CLERK**

MOTION carried.